

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

STEPHEN GROSS,)
Plaintiff,) Civil Action No. 02-1317
vs.) Judge Terrence F. McVerry
TONOMO MARINE, INC.,) Magistrate Judge Lisa P. Lenihan
Defendant.)

MEMORANDUM ORDER

Plaintiff's Complaint was received by the Clerk of Court on July 29, 2002 and was subsequently referred to United States Magistrate Judge Lisa Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 25, 2005, recommended that Plaintiff's Motion for Summary Judgment be granted. Service was made on all parties. No objections to the Report and Recommendation were filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 23rd day of August, 2005:

IT IS HEREBY ORDERED that Plaintiff's Motion for Summary Judgment be granted and that, in accordance therewith, Defendant's barge be deemed a vessel for purposes of this Court's admiralty jurisdiction over Plaintiff's claims.

The Report and Recommendation of Magistrate Judge Lenihan is adopted as the Opinion of the Court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

Dated: August 23, 2005

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